

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:

	)	
Request by Nassau County, NY for	)	
Waiver of the Commission's Rules to	)	PS Docket No. 06-229
Allow Establishment of a 700 MHz	)	
Interoperable Mobile Public Safety	)	
Broadband Network	)	

**REQUEST FOR WAIVER**

Pursuant to Section 1.925 of the Commission's rules Nassau County, New York hereby submits this Petition for Waiver to allow for early construction and deployment of an interoperable 700 MHz public safety broadband system to serve the Nassau County area. This system will be designed to be fully interoperable, consistent with conditions as recommended by the public safety community and ultimately required by the Commission. Expeditious grant of this waiver to allow for deployment in the 763-768/793-798 MHz band under a spectrum agreement with the Public Safety Broadband Licensee (PSBL) is in the public interest and will lead to early deployment of critical broadband public safety communications for Nassau County. Nassau County is aware of pending waiver requests previously submitted by the City of New York and the State of New York and will coordinate its deployment to avoid conflicts among these systems.

## **I. BACKGROUND**

Nassau County covers approximately 286 square miles. The County population is estimated to be 1,357,429 as of 2009. Within Nassau County there are two (2) cities, Three (3) towns, Sixty-four (64) incorporated villages and over one-hundred (100) unincorporated areas. The entire county is physically divided amongst the three (3) towns: Hempstead, North Hempstead, and Oyster Bay, and the two cities, Long Beach and Glen Cove. Within the three towns reside the 64 Incorporated Villages.

Public safety and law enforcement is provided in most of the county by the Nassau County Police Department (NCPD) consisting of over 2,500 sworn members. Also, fourteen villages and two cities have their own police departments. The NCPD also supports the law enforcements efforts of these village police departments by providing investigative support for major crimes and communications and technical support. Each village police department has their own E-911 PSAP for wired 911 calls but the Nassau County Police Department Communications Bureau has the responsibility to answer all wireless 911 calls both within NCPD and village police jurisdiction and coordinate police response. Nassau County also provides full fire support through seventy-four (74) volunteer fire departments. Emergency Ambulance (EMS) support is provided through the Nassau County Police Departments Emergency Ambulance Bureau with support from a multitude of fire department ambulances and ambulance units.

The county currently has a number of communications /technology initiatives to provide interoperability and data sharing to these public safety agencies. An NCPD Motorola radio system, now in final phases of construction, will insure voice radio communications and interoperability for all public safety agencies. The NCPD is also expanding the capability of its new Intergraph Computer Aided Dispatch system (CAD) to provide CAD, mapping and call data sharing to all village and city police departments. This is being accomplished by expanding the police departments' data infrastructure to all village police departments. This will also be expanded further through an Intergraph Records Management System (RMS) where a fully integrated RMS system will be available to these departments as well through this infrastructure. With this 700 MHz waiver a broadband system will be developed and interfaced with these systems to provide wireless broadband to all public safety first responders.

Nassau County is situated on an island (Long Island New York) with New York City to the west and Suffolk County to the east. Many county residents are employed by major businesses and corporations in New York City and travel by mass transit or major highways from Nassau and Suffolk Counties into New York City daily. The Long Island Railroad provides mass transit both in New York City, Nassau County and Suffolk County. A larger number of trucking companies use major roadways that straddle New York City, Nassau County and Suffolk County. Because of this Nassau County New York City and Suffolk counties have developed numerous regional committees to insure interoperability and data sharing. Included in these is New York Metropolitan Advisory Committee (NYMAC) where regional radio frequencies have been identified and are used for interoperability, the Interoperable Communications Committee (ICC) to insure interoperable communications and disaster plans are in effect.

The County adds significantly to the regional economy. Annual manufacturer shipments are approximately \$8.4Billion and retail sales are approximately \$19.6Billion.<sup>1</sup>

## **II. THE REQUESTED WAIVER IS IN THE PUBLIC INTEREST**

Technology and communications in particular plays an increasingly important role in providing public safety and homeland security. It is impossible to predict where the next natural or manmade disaster, criminal incident, or terrorist event will occur. Therefore, all jurisdictions must be as prepared as possible to deal with such incidents. Also, public safety requires constant vigilance and response 24 hours a day, 7 days a week. While a safe and desirable area in which to live, Nassau County, like all areas, must take steps to address the safety of the public. In the first four months of 2010, the Nassau County Police Department fielded over 10,000 reports of various crimes.<sup>2</sup>

Criminals are no longer limited to voice communications and neither should the police officers, firefighters and emergency medical personnel that serve the residents of Nassau County. Broadband communications will provide an extremely important addition to voice communications systems. A public safety grade broadband will system will allow public safety personnel in Nassau County to quickly and securely access

---

<sup>1</sup> 2002 statistics from the U.S. Census Bureau. See <http://quickfacts.census.gov/qfd/states/36/36059.html>

<sup>2</sup> See [http://www.police.co.nassau.ny.us/nass\\_stat/pdf/TOTAL.pdf](http://www.police.co.nassau.ny.us/nass_stat/pdf/TOTAL.pdf)

databases in the field and to transmit images among personnel and dispatch centers as needed for both prevention and response. Expeditionary database access and image transfer can provide critical information that offers the extra margin between life and death. Further, with the deployment of LTE technology, the County can provide a broadband network which provides not only operability but also interoperability.<sup>3</sup>

The County is well positioned to deploy and provide interoperable public safety grade broadband communications that meet the requirements of this area. Unfortunately, it cannot do so because of a lack of available public safety broadband spectrum. The rules currently on the books envisioned that the public safety broadband network would be deployed under a public/private partnership by the winner of the adjacent “D block” spectrum in the 758-763/788-793 MHz portion of the 700 MHz band. Those rules severely limit and discourage any local agency deployment. Under the current rules, the D block licensee will have the “exclusive right to build and operate the Shared Wireless Broadband Network.”<sup>4</sup>

The failure of the D block auction over two years ago introduced significant delays in the plan. Grant of the requested waiver will resolve that problem by authorizing Nassau County to deploy a public safety grade broadband network, pursuant to a spectrum agreement with the Public Safety Broadband Licensee. With a grant of the waiver, Nassau County will not need to wait for changes to the Commission rules. It will not need to wait to determine if there is a subsequent D block auction and if so, whether the auction winner will actually provide service or enter into a partnership agreement that meets public safety needs. Grant of the requested waiver will provide great public interest benefits by allowing the County to move forward and implement broadband public safety service in a timely manner and under a plan that helps ensure once the system is built, it will meet public safety needs.

Grant of the waiver will allow the County to pursue public funding and/or its own public/private partnership to commence construction and deployment of a broadband

---

<sup>3</sup> LTE or Long Term Evolution is the 4<sup>th</sup> generation technology for broadband that has been endorsed by the public safety community.

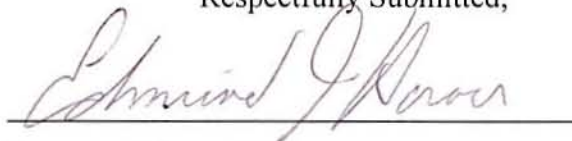
<sup>4</sup> 47 CFR, Sections 27.1330 and 90.143 of the FCC rules.

system, under a spectrum agreement with the PSST. Grant of this waiver request is also consistent with Congressional and Commission interests in enabling interoperable broadband communications for public safety as soon as possible.

### **III. CONCLUSION**

In light of the critical public safety and national security requirements at stake, Nassau County urges the Commission to grant the requested waiver expeditiously. Grant of this waiver request is in the public interest and will further both public safety's and the Commission's goal to deploy a nationwide interoperable 700 MHz public safety broadband network.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Edmund J. Horace", is written over a horizontal line.

Inspector Edmund J. Horace

Commanding Office Information Technology

Nassau County Police Department

1409 Franklin Ave. Mineola

Nassau County, New York 11501

May 14, 2010